



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (WWWOSSP)
Virginia Administrative Code (VAC) citation	18VAC160-20
Regulation title	Board for Waterworks and Wastewater Work Operators Regulations
Action title	Review Current Standards
Date this document prepared	July 9, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board intends to examine the license entry standards in its current regulations to identify amendments necessary to reflect changes in educational institution degree and course offerings, in technology and other factors pertinent to assuring that licenses are issued only to minimally qualified individuals.

Also, the Board will examine the facility classification standards in the current regulations to identify any amendments necessary to reflect changes in technology, in operating methods or in other factors necessary to assure that facilities are operated by minimally competent individuals.

Finally, to review the Board's regulation in its entirety to identify any amendments needed to assure public protection and the efficient operation of an important government function.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 54.1-2301 B. (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-2301>) states that the Board shall examine operators and issue licenses. The licenses may be issued in specific operator classifications to attest to the competency of an operator to supervise and operate waterworks and wastewater works while protecting the public health, welfare and property and conserving and protecting the water resources of the Commonwealth.

The imperative form of the verb “shall” is used, making the Board’s authority to regulate mandatory rather than discretionary.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The technology used to treat water and wastewater continues to evolve over time. For this reason, the Board decided that a thorough review of its existing regulations in light of current industry practice is necessary. That need is best illustrated by the college degrees and degree programs designed to prepare students to work in the environmental protection field. Many, if not most, of these degree fields did not exist or were very new when the Board last conducted a general review of its regulations. The same is true of the facility classification standards in the current regulations. A review will identify any necessary modifications to reflect current practice and assure operation by competent individuals.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

The Board proposes to amend the license entry standards of its existing regulations to assure that the entry standards are appropriate with an emphasis on the college degree programs that properly prepare individuals for licensure. Also, to amend the current facility classification standards to assure that they reflect current and emerging technology. A general review of the entire regulation will be conducted to identify other appropriate amendments.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

No viable alternative has been identified. Given the changes in technology, a complete review is necessary to obtain input from the industry, from training and educational institutions and from the public to determine what amendments are appropriate.

The proliferation of environmental degree fields suggests that an amendment to the current entry requirements is in order to assure recognition of all degree programs that properly prepare individuals for licensure.

The developments in technology and the use of new technology at a number of facilities suggest that an amendment to the current facility classification language is needed.

The above lead the Board to conclude that other amendments may be necessary to reflect the current and emerging technology.

The Board will seek comment from the public and licensees to identify necessary amendments and alternatives to the amendments. The Board will evaluate all suggestions and alternatives in arriving at proposed regulation amendments.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to David Dick, Executive Director, DPOR, P. O. Box 11066, Richmond, VA 23230-1066, (804) 367-8595. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will not be held.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board will use a participatory approach in the development of the proposal and may appoint committees composed of both Board members and non-members.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

No family impact has been identified.